

A N
A P P E A L
TO THE
P U B L I C,

TOUCHING THE DEATH OF

Mr. GEORGE CLARKE,

Who received a BLOW at *Brentford* on
Thursday the *Eighth* of December last,
OF WHICH he languished and DIED
on Wednesday the *Fourteenth* of the
same Month.

By JOHN FOOT, SURGEON,
OF HOLLES-STREET, CAVENDISH-SQUARE.

The SECOND EDITION.

L O N D O N :

Printed for R. DAVIS, the Corner of
Sackville-Street, Piccadilly. 1769.

D U B L I N :

Reprinted and sold by the BOOKSELLERS
and Newsmen in Town and Country.

A P P E A R I N G
P U B L I C

MR. GEORGE CLARKE

Who received a letter at Bradford on
Thursday the 1st of December 1815
in which he was informed and told
on Wednesday the 1st of the
same Month

BY JOHN FOOT, SERGEANT
OF HOLIER STREET, CAVENDISH SQUARE

THE SECOND EDITION

L O N D O N

Printed by R. DAVIS, the Printer of
the Morning Star, Broadway, 1815
D U R L I N
Reprinted and sold by the Booksellers
in London, Dublin, and Glasgow

and the only person called to prove
 that the death of the said George Clarke
 was occasioned by the said blow, was
 John Toole, Surgeon-Monday Jan the
 deceased till after his death we thought
 LONDON GAZETTE
 together with the report of
 the Recorder, March 21.

HIS Majesty has been graciously pleased to extend his Royal Mercy to Edward McQuirk, found guilty of the Murder of George Clarke, as appears by the Royal Warrant to the tenor following:

GEORGE R.

WHEREAS a doubt has arisen in our Royal Breast concerning the evidence of the death of George Clarke, from the representations of William Bromfield, Esq, Surgeon, and Solomon Starling, Apothecary; both of whom, as has been represented to us, attended the deceased before his death, and expressed their opinions that he did not die of the blow he received at Brentford: And whereas it appears to us, that neither of the said Persons were produced as witnesses upon the trial, though the said Solomon Starling had been examined before the

roner, and the *only* person called to prove that the death of the said George Clarke was occasioned by the said blow, was John Foot, Surgeon, *who never saw the deceased till after his death*; we thought fit thereupon to refer the said representations, together with the report of the Recorder of our City of London, of the evidence given by Richard and William Beale, and the said John Foot, on the trial of Edward Quirk, otherwise called Edward Kirk, otherwise called Edward M'Quirk, for the Murder of the said Clarke, to the Master, Wardens, and the rest of the Court of Examiners of the Surgeons' Company, *commanding them likewise to take such further examination of the said persons so representing, and of said John Foot, as they might think necessary, together with the premisses abovementioned, to form and report to us their opinion, "Whether it did or did not appear to them, that the said George Clarke died in consequence of the blow he received in the riot at Brentford, on the 8th of December last."* And the said Court of Examiners of the Surgeons' Company having thereupon reported to us their opinion, "That it did not appear to them that he *did*." We have thought proper to extend our Royal Mercy to him the said Edward Quirk, otherwise

Edward

(5)

Edward Kirk, otherwise called Edward M'Quirk, and to grant him our free pardon for the murder of the said George Clarke, of which he has been found guilty : Our will and pleasure therefore is, That he the said Edward Quirk, otherwise called Edward Kirk, otherwise called Edward M'Quirk, be inserted, for the said Murder, in our first and next general pardon that shall come out for the poor convicts of Newgate, *without any condition whatsoever* ; and that in the mean time you take *bail* for his appearance, in order to plead our said pardon. And for so doing this shall be your warrant. Given at our Court at St. James's, the 10th Day of March, 1769, in the ninth Year of our Reign.

By His Majesty's Command,

ROCHFORD.

To our trusty and well-beloved James Eyre, Esq; Recorder of our City of London, the Sheriffs of our said City and County of Middlesex, and all others whom it may concern.

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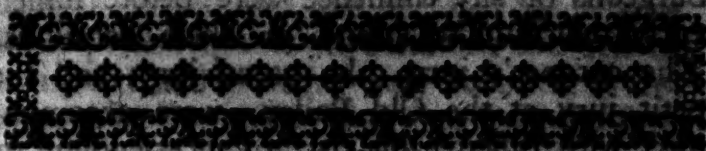
A N

Edward Kirk, otherwise called Edward
McGinn, and to grant him the free
pardon for the murder of the said George
Carrick of which he has been found
guilty. Our will and pleasure therefore
is, that the said Edward Kirk, otherwise called
Edward McGinn, be indicted for the said
murder in our Court and next term
pardon that shall come out for the
County of New York, within the next
month; and that in the mean time
you take care for his appearance, in order
to plead our said pardon. And for so
doing this shall be your warrant. Given
at our Court at St James, the 10th
Day of March, 1735, in the ninth Year
of our Majesty.

By His Majesty's Command,

ROCHESTER

To our worthy and well-
beloved James Hume,
Esq. Recorder of our
City of London, the
Speakers of our said
City and County of
Middlesex, and all
others whom it may
concern.
A 3



A P P E A L TO THE P U B L I C.

I DID not apprehend that the discharge of my duty in the regular exercise of my profession would ever make it necessary for me to appeal to the public. Much less could I suppose, that the same person who refused to attend the coroner's jury on their inquisition into the death of Mr. Clarke, would be the *principal* in an attack on my character for having obeyed their summons.

However I acquit Mr. Bromfield intirely of any malicious intention personally against me. I believe the *same motives* would have made him act the same part against his brother or his dearest friend.

But I think it would be a little hard, if in the shock of contending parties, the reputation of an indifferent man, who is connected with and attached to neither, should be destroyed, to answer the purposes of one of them.

Surgeons of any eminence were before sufficiently reluctant to attend on these occasions. The coroner's jury, the grand jury, and the petit jury at the Old Bailey, were accompanied with disagreeable circumstances enough to make any one wish to decline such sort of attendance. I am afraid surgeons will hereafter be more than reluctant, since the establishment of this new court of judicature, the court of examining surgeons, which is convened by a secretary of state evidently to answer a particular purpose: whose members are not upon oath themselves, nor receive any evidence upon oath; who *without inspection* of the body, are to declare their *opinion* of another man's *opinion*, founded on *inspection* of the body, and three times delivered upon oath.

If their determination so obtained and so given can *justly* controul the verdict of *three* several juries, strengthened by the unanimous approbation of the learned judges, what conclusion must the public draw? not a very favourable one, I believe, either to juries, judges or surgeon.

I say juries and judges, for it is impossible that the imputation should light only on the surgeon.

The verdict is not founded on his evidence alone, but on a number of concurring circumstances; and the education of every scholar, of every gentleman, will not permit us to suppose the *learned* judges in particular so totally ignorant of the human frame as not to be able themselves to form some judgment of the surgeon's report. But there is nothing intricate or difficult in the case before us. Every man of common sense in this kingdom is a competent judge of this question.

It was proved that the deceased Mr. Clarke was in perfect health on Thursday the 8th of December, and till the very moment of receiving the blow; from that time he languished and continued daily to grow worse till Wednesday the 14th, when he died. He was himself sensible that the blow would be the cause of his death; and repeatedly declared it. He lived only five days and fourteen hours after receiving the blow.

However, since some persons seem very desirous to believe that the deceased Mr. Clarke died of a nervous fever, or a putrid fever, or a drunken fever, or of any other fever or disorder, or of any thing but the blow; and since many reproachful insinuations have been thrown out against me and my evidence, I will lay the whole before the public, as well to convince them that I have never retracted my opinion, as to inform them on what it was founded. At the same time I declare, that I do not mean by this Appeal, to debar myself from any remedy to which I may be entitled by Law, either against the Court of Examining Surgeons, or the Secretary of State, for the injury done to my reputation.

On Thursday the 15th of December, 1768, I was called in by the Coroner's Jury, to examine the dead body of Mr. George Clarke, at the White Hart, Welbeck-street, Cavendish-square. Mr. Walker, Surgeon, had likewise been sent for, but, *fortunately for him*, was not at home. I attended, and enquired who had taken care of the deceased in his illness? I was answered that he had been visited by Mr. Scarling, Apothecary, and by Mr. Bromfield, Surgeon. Mr. Starling had already given his evidence.

evidence. I desired Mr. Bromfield might be present. I was informed he had been sent for twice, and had refused to come, because he apprehended it might be an *Old Bailey business*, and for the same reason would not permit any of his assistants to come. At the coroner's request I went up stairs into the room where the body lay, expressed my desire that Mr. Underwood, a Surgeon (who had been sent for by Mrs. Talbot, the aunt of the deceased) would be present, waited some time for him, and was informed that he was gone away. I then proceeded to examine the body, in the presence of the jury, assisted by Mr. Bearcroft, a Surgeon in his Majesty's service, who had formerly lived with me for his improvement, and was at this time accidentally in Town.

I examined the body very carefully all over, it was not discoloured in any part, nor had any appearance of hurt or disorder of any kind, except a contused wound on the top of the head, by the side of the sagittal suture upon the right parietal bone; the scalp was elevated for a considerable space round the wound, the pericranium, which naturally adheres firmly to the bone, was much inflamed, and separated from the skull. After clearing this part I searched for a fissure or fracture, but found neither; I then raised the whole of the scalp and pericranium, and as fractures are not always to be found under the part where there are marks of external violence, I continued my examination, and sought for what has been called a *contra fissure* or fracture: I met with neither. I then proceeded to saw the bone circularly, beginning at the forehead; after carefully raising the upper part of the skull, I found the *dura mater* (which is the external membrane

brane of the brain) greatly inflamed, particularly under the part where the blow was given and here detached from the bone, to which in a sound state it is closely connected. Upon removing this membrane, I saw a quantity of extravasated coagulated blood between it and the pia mater. The pia mater, or interior covering of the brain, was itself inflamed, and some of its vessels ruptured on the right hemisphere of the brain. From these appearances I was led to enquire into the symptoms that attended the deceased during his illness: I was informed by the several deponents, before the coroner and jury, That at first the deceased complained of pain in the wounded part of his head; this increased, and was succeeded by faintness, stupidity, chilliness, sickness, vomitings, fever, delirium, and convulsions, to his death. He was not free from some one of these complaints from the time of his receiving the blow till he expired. At the same time I was told, that Mr. Bromfield was called in only on the day that Clarke died, when he ordered his head to be shaved; but did not even examine the wound. Mr. Bromfield saw him no more, for he died the same night.

The coroner then proceeded to take the depositions, of which the following is a copy:

MIDDLESEX. Marybone, Dec. 15, 1768,
White Hart, Welbeck-Street,
touching the Death of George
Clarke, then and there lying
dead.

SOLOMON STARLING, of Princes-Street, near
Hanover-square, Apothecary, saith, last Monday

day he was called in to attend the deceased; that he went and found the deceased in a violent fever in bed; that he applied proper remedies; that he attended him the next day, and found him not better, and desired further advice, upon which Mr. Bromfield the Surgeon was sent for, but the witness was not present when he came, but administered the remedies Mr. Bromfield advised, and attended the deceased the evening of the same day, but found him no better; says the deceased's brain was affected, for he found an absence of mind and frequent flutterings, which a violent fever will cause; that he called the next morning, and was informed the deceased was dead of the fever, but what was the cause of the fever he cannot say.

SOLOMON STARLING.

A WILLIAM BEALE, of Marybone, says, That on the 8th of December inst. he was at the election at Brentford, and the deceased stood next to him, close to the rail at the Hustings; that about half after two a mob arose and a riot ensued, and the witness received a blow on the left wrist and another on the head, by a short stick or bludgeon; that the deceased stood next to him, but the witness being afraid of being killed, made the best of his way out of the crowd, and did not see the deceased struck, but in a very short time after, about a minute, the deceased came to the witness in the yard of the Three Pigeons, all of a gore of blood from the head and neck; that then they went together to the Rev. Mr. Horne's, at Brentford, and with Richard Beale, went thro'

the yard of his house into the Church-yard, and got over the wall to save themselves, being afraid of their lives, and from thence went to Isleworth, the deceased being still bleeding; that when they got to Isleworth the deceased pulled off his hat and stock, and the witness lent him his handkerchief to hide the blood which came from a wound near the top of the head, the witness then bathed the deceased's head and wound, and likewise his own hand, with some rum, and then set out for home; that in coming home the deceased complained of his being faint; that they called at a public house on Turnham-Green, and with Richard Beale, had a quartern of brandy together, and from thence came directly to Marybone, where the deceased's head was drest, and that they all three went to the Queen's Head at Marybone; that the deceased, at Mr. Horne's, informed the witness and Richard Beale, that he had been knocked down with a short stick or bludgeon, by some ruffian whom he knew not, which he has frequently repeated; that he saw him on Friday last and he was *very bad*, and on the Saturday *worse*, when he was blooded, nor did he appear *better* on the Sunday, but on Monday in the evening he was in body *worse*, and all in a sweat; that on the Sunday the deceased declared to the witness that he was sorry he had been at Brentford, for he was of opinion the blow would be his death; that the witness, also Richard Beale, and the deceased, were all very sober; hath known the deceased about three years last past, and never knew him subject to drink, and was well in health before he was at the Hustings.

WILLIAM BEALE.

RICHARD

RICHARD BEALE, of Marybone, Peruke-maker, saith, That he was at Brentford on the 8th of December, with William Beale and others, where he went with the deceased to the Hustings between two and three o'clock, when a mob and riot ensued; that he did not see the deceased knocked down, but saw him down, or was down with his hands towards the ground; that after they met at the Three Pigeons' yard, from thence they went to Parson Horae's, and went through the yard of his house into the Church-yard, and went over a wall, being afraid of their lives; that from thence went to Illeworth, the deceased being still bleeding; that William Beale lent the deceased a handkerchief to hide the blood which came from a wound from the top of the head, which was then bathed with rum by Mr. William Beale; that in coming home he complained of his head and being faint, and at Turnham-Green they had a quattern of brandy that after they came to Marybone to Mr. William Beale's, where the deceased's head was drest, and they then went to the Queen's-Head at Marybone, where the deceased said he had received a blow at Brentford, which greatly pained him, but that he knew not from whom; that there was a great mob and riot at Brentford, and that they were glad to get away to save their lives; that he hath not seen the deceased since alive; that he hath known the deceased about three years, and never knew him subject to drink, and was well in health before he was at the Hustings.

RICHARD BEALE.

WILLIAM BEALE

FRANCIS

RICHARD

HENRY FRANCIS, of Marybone, Coal Merchant, saith, that on the 8th of December, he was not at the election at Brentford, but in the evening of the same day he was at the Queen's Head, at Marybone, in company with the deceased, the two Beales, and others, where the deceased complained he had been very ill used at Brentford, and had been knocked down there with a flick or bludgeon, and then pulled off his hat which was bloody, also a white rag in the hat, and the handkerchief about his neck, and the shirt and coat were very bloody; that the witness had the curiosity to take a candle and examine the wound on the top of the deceased's head, when the head appeared much swollen, and the hair clotted with the blood; that he sat next him, that the deceased often said his head was very bad, and that he must go home, and wished he was in bed.

HENRY FRANCIS.

THOMAS CROSBY, of Marybone, Coachman to Mrs. Hustler, saith, that about five o'clock on Monday in the evening he saw the deceased in bed ill; that he staid with him about an hour and an half, in which time he appeared sometimes sensible and sometimes upon the flighty order; says the deceased said nothing to him otherwise than Tom or Thomas, when he was sensible, when he was insensible he would mutter out Brentford election and I shall die to night; that during the time he was insensible he twitched at the sheets and pulled one of them out, and would have flung it away. That he sat up with him all night on Monday night last, during which time he was insensible.

THOMAS CROSBY.

All Severally taken, &c.

E. Umfreville, Coroner.

Saint

*Saint Mary-le-bone, Welbeck-
Street, December 15, 1768,*

These are to certify that I have examined the body of Mr. George Clarke, and found a wound on the upper part of the head with the scalp much bruised; on opening the head, there appeared a quantity of extravasated blood under the dura mater, and the vessels of the pia mater and brain were turgid with blood and ruptured; from these appearances (I do verily believe to the best of my judgment) that his death was owing to the aforesaid wound.

JOHN FOOT, Surgeon.

Sworn, &c.

Willful Murder by some Person or Persons
unknown.

It is proper here to mention, that after the deposition, Mr. Starling being asked by some of the jury what he thought was the cause of the fever, answered, "most certainly *the blow*." I have been an Apothecary of the Hall near forty years, and would be very cautious what I say, but there is no doubt *the BLOW was the CAUSE of the fever*.

On Wednesday, January 11, 1769, a bill of indictment was found by the Grand Jury at Hicks's-Hall, against Balfe and Mac Quirk, for the murder of Mr. George Clarke.

On Saturday following, January 14, the trial came on at the Old Bailey.

The following is that part of the evidence which relates to the cause of Clarke's death, as taken from the Sessions Paper.

U

Richard

Richard Beal Sworn.

Examined by Sergeant Lelge.

Counsel. Are you a voter for Middlesex?

R. Beal. No.

Counsel. Did you know George Clarke?

R. Beal. Very well.

Counsel. Did you go with him to Brentford?

R. Beal. No.

Counsel. Did you see him there?

R. Beal. Yes.

Counsel. Where was he when you saw him?

R. Beal. I and Mr. William Beal were upon the Hustings, and Mr. William Beal, who is my cousin, saw Mr. Clarke, and brought him up to me.

Counsel. Is Mr. William Beal a freeholder?

R. Beal. Yes.

Counsel. What time was this?

R. Beal. About half an hour after one o'clock.

Counsel. What part of the Hustings were you, William Beal, and the deceased at?

R. Beal. At the higher part, the lowest side near the corner.

Counsel. Is that the side where the door was, or the opposite side?

R. Beal. The door went in at one end, I believe.

Counsel. Was it on the left or right?

R. Beal. The left.

Counsel. When you was there first, at half an hour after one, was there any riot, or was the place quiet?

R. Beal. Very quiet at that time.

Counsel. How long did you stay there, before you perceived any riot?

R. Beal. When Mr. Tomlin and Mr. Clarke came up, they asked William Beal and me, if we had any thing to drink; they told me they had not drank since the morning, which was at the Three Pigeons. Then he asked us if we would go down as far as Mr. Horne's: this was about half an hour after one. We went there.

Counsel. Did you return?

R. Beal. We had I believe, two glasses of wine there, I cannot be sure to a glass, it might be two, or less.

Counsel. Did you return to the Hustings from Mr. Horne's?

R. Beal. When we came to Mr. Horne's there was Mr. Wilden, Mr. Whitwell, and two other freeholders. Mr. Wilden said to Mr. William Beal, if all was quiet, he would go up and give his vote. Mr. Beal said it was very quiet, and he thought he might go up very safe.

Counsel. Was Mr. Wilden an infirm man?

R. Beal. A very elderly man.

Counsel. What time was this?

R. Beal. About two o'clock, or a little better.

Counsel. Did the deceased Mr. George Clarke go up?

R. Beal. He went with me.

Counsel. Did he go to the Hustings then?

R. Beal. Yes.

Counsel. To what part?

R. Beal. To where we went before.

Counsel. Did you get admission to the Hustings?

R. Beal. Yes; Mr. Whitwell had polled.

Counsel. Now tell the court what you observed of this riot.

R. Beal.

R. Beal. Just as Mr. Wilden had done giving his vote, they came round both sides of the Hustings, and through the Hustings.

Counsel. Which side the Hustings did they come up to first; that where you were standing, or the other?

R. Beal. That I cannot say; they came on both sides, and through.

Counsel. Did you see the mob commit any acts of violence?

R. Beal. I cannot say that I saw one struck. I saw some down, but did not see any blows given. We were then going away from the Hustings; Mr. Clarke was on one side, Mr. Wilden and I on the other. We were got three or four yards from the Hustings, going down to the Three Pigeons. I did not see the blow given; but going down the Three Pigeons Yard, Mr. Clarke overtook us, after he had received the blow. I had not missed him. At first I saw him almost down upon his hands near the ground a little below the Hustings.

Counsel. Did he appear falling or stooping?

R. Beal. I was frightened very much. There was a riot at that time. Mr. Clarke recovered himself as well as he could, and came down to us. We were then at the gate-way, going down to the Three Pigeons.

Counsel. What distance was you from him, when you saw him near the ground?

R. Beal. I might be an hundred yards distance (I will not be positive.) When he came up to us, we were not quite at the Three Pigeons, I happened to see the blood. It ran down the right side of his head, upon his coat. He wore his own hair. It was tied behind. The blood came from

the upper part of his head, rather on the right side. He said he did not know that his head was broke, till he saw the blood running down from under his hat down his arm.

Counsel. Did you make any application in order to relieve him?

R. Beal. I asked him if he knew who struck him. He said it was some great fellow, but who he did not know. We went away to Parson Horne's house again.

Counsel. When you came to Mr. Horne's house did you examine this man's head?

R. Beal. The people said the mob were coming to Parson Horne's house, to pull the house down. We made through the house into the church-yard, where Mr. William Beale lent him a handkerchief, and wiped off the blood with it in the church-yard.

Counsel. From thence where did you go?

R. Beal. We went through the church-yard, and over a wall, and up into Brentford. He pulled his own stock off, which was vastly bloody, and put Mr. Beale's handkerchief over his neck. We got over the wall into Brentford Town, and from thence to Isleworth. We went into some public-house there, and had something to drink, and got a glass of rum there, and cut some of his hair off, and Mr. William Beal bathed the wound with a little rum. He seemed to be in tolerable good spirits. From thence we went to the river, and over to Richmond, (we were all on foot) and from Richmond to Kew, and over Kew-bridge; thence to Turnham-Green. Then Mr. Clarke complained that he was faint, and that his head pained him a good deal. He said he should be glad

to have something to drink. We went into a house and had a quarter of brandy. Then we came on for London, and came to Mr. William Beal's lodgings, in Great Marybone Street. There some of his people, and the landlord, bathed Mr. Clarke's head with a little mixture of myrrh. We had a supper dressed there. Mr. Clarke ate very little. Then we went to Marybone, to the Queen's Head there. We had a pot of beer. Mr. Clarke drank once, and Mr. William Beal once. Mr. William Beal fell asleep, being tired, walking in boots. Mr. Clarke, in about half an hour went away, without saying any thing. I did not see any more of him till he was dead, then I saw him at his aunt's, in Wellbrook-street, the day after he was dead. He died there.

He died the 14th of December, at the house of Mr. Talbot, the White Hart in Wellbank Street.

Cooney. Was he in liquor, or sober, at the time he received the wound?

Re. Bank He was sober: he was a very sober man.

18 **Counsel:** What age was he?

R. B. B. He was twenty-two years of age.

Counsel. How was he as to health at that time?

R. Deal. He was a very healthy man. I knew him three years. I never knew him ailing.

Counsel: What time of the day was it that he received the hurt?

R. Bow. It might be between two and three o'clock when he went out.

On the side of my head, then I ran into the yard
and twiddled my hand, and struck me over the left hand,
below.

Mr. William Beal sworn.

Examined by Mr. Impey.

W. Beal. I am a freeholder in the county of Middlesex. I believe I set out from Westminster between eight and nine in the morning: I believe I got to Brentford by ten. Mr. Clarke the deceased, came to the Hustings to me about half an hour after one; from thence we went to Mr. Horne's, and had a glass of wine or two each.

Counsel. Was that all you drank?

W. Beal. I believe we had no more. Mr. Wilden, Richard Beal, and Mr. Martin, were there. They asked me, if I had given my vote? I said I had. They asked me if every thing was safe? I said there was no riot then. Some of them asked me, if I would go along with them? I said I would. George Clarke and Richard Beal, went with me. We went together to the Hustings, while Mr. Wilden, and two or three others, I will not be sure whether two or three, were giving their votes. I believe they might have done, but cannot be sure. A mob came from the opposite part, and began at the corner next to the Three Pigeons Yard, and then came round, clearing the people away before them. Mr. Clarke seemed to be afraid: I said, Do not be afraid, for I hope there will be no hurt. I turned myself round, and saw them draw their bludgeons from under their great coats. I had a stick in my hand; I put it over my head, and put my left hand upon my head; they beat my stick down, and struck me over the left hand, which swelled my hand. I received another blow on the side of my head; then I ran into the yard belong-

belonging to the Three Pigeons. I had not been there above a minute or two, before Mr. George Clarke came to me all in a gore of blood. It issued from the right side, or rather backwader, of his head, near the top, and ran down his cloaths. From thence we went to the reverend Mr. Horne's.

Counsel. Who went with you?

W. Beal. Richard Beal, Mr. George Clarke, Mr. Wilden, and Mr. Whitwell, a gardener. The people at the door said, the mob were coming to pull the house down. We went out at the back door, into the church-yard, and from thence we turned to the right hand, and got over the wall, and then we went to Isleworth. We stopped at a public-house, and Richard Beal took some of the hair from the wound that Mr. Clarke had received, and I bathed it with some rum. After that I bathed my own left hand with some rum: then we set out to go home. We first went over the water to Richmond, then over Kew-bridge, then to Turnham-Green. Mr. Clarke said he seemed to be faint, then we had some brandy.

Counsel. How much brandy?

W. Beal. A quartern. Then we went to my lodgings in Great Marybone-Street, and had some pork. Mr. Clarke eat but very little.

Counsel. Did he drink any thing?

W. Beal. He drank a little quantity of rum, I believe. We went from thence to the Queen's-Head at Marybone, and called for a pot of beer. There I went to sleep, and did not know when Mr. Clarke went away.

Counsel. Did you see him after this?

W. Beal. I did; I saw him on the Friday. The election was on the 8th, and I saw him the next day. I asked him how he did? he said he was very indifferent.

Counsel. Did you see him after that Friday?

W. Beal. I saw him on the Saturday; he had been let blood on the Saturday, I asked him how he was? he said he was no better. I saw him again on the Sunday; I asked him how he did then? he said he wished he had never been at Brentford. I said, Why? he said, the blow he received there, he believed would be his death.

Counsel. Did you ask him if he knew the person that gave him the blow?

W. Beal. I did. He said it was a ruffian or great fellow that gave him the blow, but he did not know the man.

Counsel. Did you see him after the Sunday?

W. Beal. I saw him on the Monday evening. He was then very bad in bed. I thought he was not fit to be talked to. When I was coming away, he put his hand out of bed, and said, Mr. Beal, will you shake hands with me? I said I would. I did, and parted, and never saw him after.

Counsel. Was he sober at the time he received the blow.

W. Beal. He was as sober as I am this minute; he was as sober and honest a young man, as ever I saw; he was a young man that I never heard a bad word come out of his mouth to my knowledge.

Counsel. How was he for health before this?

W. Beal. He was in as good health when at Brentford, as I am at this time.

Mr. John Foot sworn.

Examined by Mr. Adair.

Mr. Foot. I am a surgeon.

Counsel. Do you remember being called in, upon any occasion, to see the body of George Clarke?

Foot.

Foot. I was called in on Thursday the 15th of December, at a public-house in Wellbank Street, by the coroner, to examine a wound on the head of the body of George Clarke.

Counsel. Did you examine the wound?

Foot. I did. The hair on his head was full of sand. I found upon the crown of the head was a contused wound; I raised the scalp round the wound, and examined it with my probe, and found the scalp elevated about four inches round. The pericranium, the immediate covering of the skull, was much inflamed. After removing the pericranium, I examined the skull itself; I found no fissure, nor fracture. I then raised the scalp opposite to the wound the contrary side, in order to discover, if I could, what was call'd a contrafracture or fissure. I found neither. I then raised the scalp round the whole of the head, and found none at all. I then opened the head the usual way. I found under the dura mater, which is the first covering that lies under the skull, a quantity of extravasated blood, and the dura-matter itself was much inflamed. I then examined the first covering of the brain. The interior covering I found to be in a great state of inflammation, and the vessels quite swelled with blood; and that one part of it was ruptured, but the rest of the brain was in a healthy state.

Counsel. Do you, from any or all of the appearances, apprehend what occasioned his death?

Foot. To the best of my opinion, the wound he received on his head, was the cause of his death.

If it should be asked why my evidence at the Old-Bailey was not fuller, and more technical, I answer that I was speaking to a jury, and thought

it

it my duty to be intelligible rather than scientific. I answer that the judges and the jury were thoroughly satisfied that Clarke died of the blow. I answer, that this point was admitted even by the prisoner's own numerous, ingenious and *industrious* counsel; who, on application made to them, declined to ask me any farther questions.

On Friday, February 3, Mr. Bromfield sent a message to my house, that he desired to see me in Conduit-Street, I immediately waited on him. He asked me the particulars respecting the appearances I found in the head of the deceased Mr. Clarke, I minutely informed him. After which he said that he supposed he was lost for want of care, adding that he supposed the apothecary had committed an error with Mr. Clarke in treating a *convulsion of the brain* as if it had been a nervous fever. I replied that it might be so. I acquainted him how much I had wished that he had been present at the time of opening the head; and told him that I was informed that he supposed it would be attended with many inconveniencies; as it might subject him to be subpoena'd on the trial; which he acknowledged. We proceeded to talk of the particular circumstances attending the riot at Brentford. Mr. Bromfield exculpated Sir William Beauchamp Proctor; and said that a party of men hired by Serjeant Glynn, with Sir William Beauchamp Proctor's labels in their hats, making a regular attack on the hustings, and crying Proctor for ever; was a piece of great generalship in the Serjeant; I replied that I could not think so, because Serjeant Davy in the Sheriff's room had told me, during the trial, that he should bring the clearest proof in the world that Mr. Glynn had hired them;

them ; and as he produced no proof whatever of that sort, I concluded he would not, and that it was not so.

On the 15th of February, Mr. Bromfield met me at Mr. Clare's, in Oxford-Road about two o'clock in the afternoon, and desired I would go with him to meet Messrs. Ranby and Middleton, at Mr. Hawkins's in Pall-Mall ; who wanted to talk with me relative to the deceased Mr. Clarke. I answered him that I was sorry he had not given me previous notice of the meeting, that I had a patient to see and would dispatch that engagement as soon as possible, and wait on them. I went to Mr. Hawkins's, and found there Messrs. Ranby, Middleton, and Bromfield ; Mr. Ranby said that Mr. Starling, an apothecary, had signed a paper that the deceased died of a fever ; I answered it was not material to me what he had signed. Mr. Ranby asked me if I had not declared it as my opinion to Mr. Bromfield that in case the deceased had had early care taken of him, attended with large evacuations by bleeding, opening medicines, &c. &c. that there might have been a probability of his recovering. I told him that I had. Mr. Ranby said if I would specify these sentiments in writing it would be an act of real humanity, that it would be laid before his Majesty, and might be of great service to the two malefactors. I accordingly drew up the following and signed it.

COPY.

C O P Y.

I JOHN FOOT, Surgeon, of Holles-Street, Cavendish-Square, declare that it is my opinion, that in case proper and early care (accompanied by necessary evacuations) had been taken of the deceased Mr. George Clarke, whose head I examined on Thursday December the 15th, 1768. That in all probability he would have recovered.

Of these sentiments I acquainted the aunt at her house previous to the trial.

Holles-Street,

Feb. 15. 1769.

JOHN FOOT.

The above is a true copy of the paper delivered by Mr. Foot to us.

Witness,

M. RANBY,

D. MIDDLETON,

W. BROMFIELD.

Mr. Ranby then returned me many thanks, declared it was a humane generous act, and that it did not invalidate in the least my former testimony. Mr. Ranby invited me to dine with him, which I declined.

After I had left these gentlemen, it struck me that there was something very extraordinary in all this, I could as little comprehend their earnestness as their compliments.

It began to make me uneasy lest there should be something more in it than I was aware of. I therefore went the same afternoon to Mr. Ranby at Chelsea, and told him my uneasiness and apprehension,

hension, lest any improper use should be made of what I had written. I told him that as I disclaimed all party, and had no connections with either, I should be very sorry even to appear to be influenced. Mr. Ranby assured me on his honour that no improper use should be made of the paper; that it should be seen only by the Duke of Grafton and Lord Rochford, and that he should esteem me for what I had done as long as he lived. Mr. Bromfield, whom I found at Mr. Ranby's at Chelsea, promised me the same; and told me that he would introduce me to Lord Rochford the next day, that I might have the same assurances from his Lordship.

About three days afterwards Mr. Bromfield sent to me, and I went with him to Lord Rochford's. His Lordship was at dinner. I did not see Lord Rochford, but Mr. Bromfield told me, that his Lordship sent his compliments to me by him, with assurances, that no use should be made of the paper, but what Messieurs Bromfield and Ranby had before engaged. He added that his words were—I might be very easy, I should come into no scrape.

Very soon after a Report was industriously spread, that I had altered my opinion, and had signed a paper which contradicted my former evidence. It was likewise rumoured, that the court of Examiners of the Surgeons Company were to meet, by the Secretary of State's order, to give their judgment concerning the death of Clarke, and my evidence and abilities in my profession.

In consequence of this report I waited on Mr. Bromfield on Saturday the 25th of February, and told him, I had reason to suppose that a very disingenuous Use had been made of the paper I signed. He said we ought not to credit reports, and that no such thing had been done. I desired to know whether I might credit another report, of the meeting of examining surgeons, at their Theatre in the Old-Bailey, on the Monday following? He said it was very true, and shewed me the summons he had received from the Secretary of State. He said he must apply to Lord Rochford for the paper I had written, in order to lay it before the court of Examining Surgeons. I answered him it was unnecessary, as I would wait on the court myself, that they might examine me, if he would please to inform me at what hour they met. Which he did.

The next day, Sunday, the 26th of February, I waited on Mr. Ranby, and desired he would give me a copy of the paper I had signed, which he agreed to do; he said he had read over my deposition at the Old-Bailey, very attentively; and would take the liberty of a friend (begging I would not take it amiss) of making a few observations on it. He said I examined for the contra-fracture or fissure. He added it was a received opinion, and had been handed down to us from the earliest writers and assented to by the moderns; but gave it as his opinion, that it never had been, was, or would be found; and asked me if I had seen it, to which I answered, I had not. Yet, could not forbear what I had the greatest authority to justify my search after. Mr. Ranby made use of the same arguments,

arguments, with every author who has written on this subject, and who has denied the possibility of a contra fissure or fracture; such as that the sutures were wisely contrived to prevent the fracture exceeding the bounds of the suture, &c. Though this remark of Mr. Ranby is very foreign to the death of Mr. Clarke, I would beg leave to refer him to the very ingenious and extensive Practitioner Mr. Sharp; and to Mr. Adair of Argyle-Street, who is second to none in his profession: They both assert the contrary. And I will venture to say, I have now a patient, Mr. Stephenson, who has a contra-fracture. He proceeded to talk of the extravasation between the dura and pia mater, and said, that had there been such an appearance he could not have survived it four days. I should be glad to know if Mr. Ranby can presume to ascertain the exact period of any man's life after such an accident? He desired to know if I had not wounded the dura mater with my saw; I answered, that had it happened it could not affect the extravasation, as the half of the cranium was sawed off, beginning at the forehead, and the extravasation was immediately under the wound on the scalp; and the blood was *coagulated*.

At Mr. Ranby's I found Mr. Murphy, one of the counsel for the prisoners, who, in conversation told me, that the reason why the counsel asked me no more questions upon the trial was, because the case was too clear, and besides they did not know but something worse might come out.

The next day, Monday, February the 27th about one o'clock, I went to Surgeons-Hall, and

sent in my name with my compliments. I was shewn into a room; after waiting about an hour and an half, I was called in. I will give what passed to the best of my recollection. The secretary read over my evidence as given at the Old Bailey; I was desired to be attentive to it, and to say if I objected to any thing in it. It was a copy from the Recorder's minutes and a more just account than that in the Sessions Paper.

I then, was interrogated.

Q. Mr. Pott. On what part of the head was the wound?

A. On the crown of the head.

Q. What do you mean by the crown of the head?

A. On the right parietal bone, by the sagittal suture.

Q. In what manner did you take off the scalp?

A. By a circular incision.

Q. In what state was the pericranium?

A. Much inflamed, it was almost separated from the cranium for about two inches in circumference under the wound.

Q. Mr. Founge. Was it intirely separated?

A. It was not attached, as is usually found in healthy subjects, but separated from the cranium.

Q. Mr. Pott. What do you mean by examining the opposite part?

A. The os occipitis.

Q. Mr. Cowell. How did you proceed in opening the head?

A. After raising the scalp and pericranium, I proceeded to open the head.

Q. At

Q. At what part did you begin to saw the cranium?

A. I began at the os frontis and sawed round the head.

Q. Mr. Bromfield. Where was the extravasated blood?

A. Between the dura and pia mater opposite to or under the wound.

Q. Mr. Post. I would ask you two questions as a man of experience and an artist. In what state was the dura mater?

A. It was greatly inflamed.

Q. What the whole of the dura mater?

A. There was a general inflammation of that membrane.

Q. Did it adhere to the cranium?

A. It was detached from the cranium for a considerable space round, immediately over the extravasation.

Q. Mr. Hawbitt. What quantity of extravasated blood do you suppose there was?

A. As near as I can guess, above half an ounce.

Q. Mr. Rea. The extravasation, you say, was under the falx?

A. The extravasation was to the right of the falx of the dura mater. I have endeavoured and will endeavour to speak in as clear a manner as I can. I would be properly understood in what I mean by *extravasated* blood. I mean, according to the general signification of the word, *effused* blood. Because if we refine on the word from its derivation, from *extra* and *vas*, it simply means any blood escaping from a vessel.

Q. Mr. Rea. I told Mr. Post yesterday when we had some general conversation on the subject, that when there was extravasated blood on

pia mater, the the patient would not survive more than four days.

A. I do not imagine that any one can ascertain whether the extravasation happened immediately after the blow; or whether it was in consequence of the inflammation and rupture of vessels caused by the blow: Nor do I suppose that any one can determine how long a person might possibly live under either of those circumstances.

Q. You say the pia mater was inflamed and ruptured. Where was the rupture?

A. At the anterior part of the right hemisphere of the brain.

After this examination I was desired to read over the copy of the paper I had given to Messrs. Ranby, and Bromfield which I did; and Messrs. Ranby, Middleton, and Bromfield witnessed and signed it. They then returned me thanks for my voluntary attendance, and I withdrew.

On the Eleventh of March came out His Majesty's Proclamation, which I have prefixed to this appeal.

TO THE PUBLIC AT LARGE I shall now beg leave to make a few observations.

1. The separation of the pericranium and dura mater from the skull, and the inflammation of the membranes and surface of the brain, and the extravasated blood found between the dura and pia mater, convinced me that the blow the young man had received, was the cause of his death; though there was no appearance of suppuration, which probably would have happened had he lived longer.

2. It

2. It is no uncommon circumstance in injuries done to the head, for the patient to remain tolerably well for several days, and afterwards to be seized with symptoms of an oppressed brain, which too frequently proves fatal; and on examining the heads of such people after death, we commonly find either extravasated blood, or the dura and pia mater, and the brain itself inflamed; or a supuration; according to the nature of the injury, and the length of time the patient lived after the accident.

3. We have undoubted authority for numberless instances where concussions of the brain from external violence have proved fatal, though upon inspecting the head no marks of violence have been found. The scalp has appeared sound; the bone in a healthy state; the meninges of the brain unhurt; and even the brain itself, to appearance, undisturbed. If in such a case where there were not appearances to justify my determination, and where mens lives were at stake, I had freely given an opinion, I then might justly have been blamed, and too well have merited the censure passed on me. But Mr. Clarke's was a very different case. There was every appearance to justify my opinion. And though Mr. Bromfield and Mr. Starling may, *when not upon their oaths*, choose to attribute his death to a fever, I believe it will be readily allowed, that no person ever died without a fever, after having received a blow upon the head which caused an inflammation of the membranes with an oppression of the brain. That the deceased had such inflammation and consequent fever is unquestionable; and it may as well be advanced that he died of a vomiting, or of any other concomitant

tant symptom which had its source from the same cause—the Blow.

The coroner's jury, I am sure, will do me the justice to say, that I took the utmost pains to shew and explain to them, all the appearances in the head which I have mentioned: Indeed they were so well satisfied with me at the time, that they unanimously gave me their particular thanks for my behaviour.

To them I must likewise appeal, for the declaration of Mr. Starling, where he says, "he thought the BLOW was certainly the cause of the fever."

Of THE SECRETARY OF STATE I should be glad to be informed, whether his rank or his office can give him a right to injure with impunity, the character of an unoffending individual; and whether he imagines that any title he may give to a performance, or any name he may prefix to it, can fancy wilful detraction, or make a libel less a libel.

Though it is not in the Sessions Paper, I shall not easily forget the answer of Mr. Justice Gould to Mr. Recorder of London, who on the trial of Mac Quirk, WHISPERED an objection to some part of the evidence being taken, for fear it should affect Sir W. B. Proctor. Mr. Gould answered him ALOUD, that if Mr. Recorder had any objection to make, he must make it ALOUD; That for his own part he was for hearing all the evidence, whoever might be affected by it; for, added he, nobly, "we are all equally the subjects

of the same gracious King—*We are all equally protected by the same wholesome laws.*"

If this is true (as I most sincerely believe the worthy Judge wishes it to be) there must then surely be an equal remedy for him that is libelled, whether it be done by a popular writer or a State Secretary, in the *Gazetteer* or the *Gazette*.

I should be glad to be informed, whether the *Secretary of State* knows, that by our laws not one single *Surgeon* can be admitted in a jury on a trial for murder; and whether it was for that reason, and to shew his reverence to the laws of his country, that he chose a jury of *Surgeons* only, to over-rule the determination of three common legal juries.

I should be glad to be informed by what strange means the faculty have so ingratiated themselves lately with the *Secretary of State*, that they are not only the sole persons appointed and deemed competent to sit as *judges* and *jury*, but they are likewise thought the only persons fit to be examined as *evidence*; for the command to the *Surgeons* was to examine only Mr. Bromfield, *Surgeon*, Mr. Foot, *Surgeon*, and Mr. Starling, *Apothecary*.

I should be glad to be informed whether the *Secretary's* face will not glow whilst he reads this *Appeal*; and re-considers the measures he has taken to destroy me and my evidence, and overthrow my testimony. Ten men who never saw the body, were to examine whom?—Mr. Bromfield, who will not dare to say he can give

any evidence about it. And Mr. Starling, who in his deposition taken before the coroner, has sworn and signed, that "*what was the CAUSE of the fever he cannot SAY.*" What then was he called to SAY before the examining Surgeons? What he THOUGHT? When he was on his oath before the coroner he THOUGHT that "*certainly the BLOW was the CAUSE of the fever.*"

I should be glad to be informed by the Secretary of State, whether any measures have been taken to invalidate the testimony of the other witnesses also on the trial, who swore to the activity of Mac Quirk in the riot; particularly that of Mr. Clay, the *High-Constable*? Whether it has appeared by any *symptoms* or *surgeons*, that the High Constable's disabled arm was not hurt by Mac Quirk's bludgeon, but disordered by some sudden cramp. And I am particularly curious to know, whether such an attack on a *High-Constable*, at an *Election*, ever before entitled a Murderer to a FREE pardon, without any condition whatsoever; and that too anticipated by BAIL, that he might have the singular and decent triumph of leaving behind him in Newgate, the gallant gentleman, who, at the apparent risque of his life, had brought the offender to justice.

The Secretary of State has improperly said, that "*the ONLY person called to prove that the death of the said George Clarke was occasioned by the blow, was John Foot, Surgeon.*"—What was the evidence of the two Beales?

It is given as a reason for what has been done, that "*neither Mr. Bromfield nor Mr. Starling were produced as witnesses upon the trial.*" I will inform the *Secretary of State*, that Mr. Bromfield had *no evidence* to give; and Mr. Starling was examined before the coroner's jury, who not only heard nothing from him to *prevent* their bringing in their verdict *Wilful Murder*; but on the contrary were led to it by his attestation that "*he thought the BLOW was the CAUSE of the fever.*" I should be glad to know if the *Secretary of State* has any reason to suppose his evidence would, or ought to have had a different effect on the Jury at the Old-Bailey.

It is mentioned as an invalidation of my testimony, that I "*never saw the deceased till after his death.*" I should wish the *Secretary of State* would consult all former trials for murder; he will find that it seldom happens otherwise; in the present case it could not be avoided; for Mr. Bromfield the Surgeon, who attended him before his death, (if indeed Mr. Bromfield will call his single visit, without examining the patient, *attending* him) declined coming either to the coroner's jury, the grand jury, or the Old-Bailey. I should wish the Secretary to consider the nature of my evidence; it reported only the appearances of the head which I opened. Were *they* changed because I had not "*seen the deceased till after his death?*" Or could Mr. Bromfield and Mr. Starling have given a better account of these appearances who never examined the head at all, dead or alive?

Had this ingenious objection been discovered sooner, what a number of executions would have been prevented! And how easily may a murderer now escape, only by taking care to give so decisive a blow, that no Surgeon may see the murdered person "*till after his death.*"

Had the *Secretary at War* known the force of this argument when Maclean was tried for the murder of Allen in St. George's Fields, it would have prevented a great deal of trouble, and done no dishonour to our *judicial* proceedings; for it would not then have been necessary to have procured a number of common soldiers to swear that they *heard* another soldier say, that he killed Allen by *accident*, in order to set aside *four* positive evidence to the *manner* and *premeditation* of the shooting, and *two* positive evidence to the *person* of Maclean who shot. Maclean might have been still *more* honourably acquitted, for there was but *one* Surgeon produced to prove that Allen died of the shot, and he too "*never saw the deceased till after his death.*"

I beg leave humbly to intreat the *Secretary of State* to give to the public "*the report of the Recorder of the City of London of the evidence given by Richard and William Beale,*" which is insinuated to be another reason for convening the *examining surgeons*. I wish to have that report made public, that we may be all in the same situation; and that the character of every man who was an evidence on the side of the prosecution may suffer together.

The

THE COURT OF EXAMINERS OF THE SURGEONS' COMPANY, consists of the following gentlemen,—Messrs. Cowell, Ranby, Middleton, Caesar Hawkins, Crane, Pott, Gregory, Fullager, Robert Young, and Bromfield.

Of the sentiments of these gentlemen we hitherto know nothing but from the proclamation: and that only tells us—"IT DID NOT *appear to them* THAT HE DID."—

Unless the *Secretary of State* shall swear to it, I will not believe that this *ambiguous, oracular* sentence was the whole answer they returned. I am well assured that there are amongst them those whose *truth* and *honour* would incline them to *plain*.

Of them I request, the public expects, and their own characters demand to give a full and clear account of the share they had in this strange transaction.

It will then be known whether ANY THING and WHAT *did appear to them*: for at present it is left quite in the dark. I will however mention some few things which I think must appear pretty plain to them.

The whole of this proceeding must *appear* to them very extraordinary. It must *appear* to them that tho' they were "*commanded to take examination,*" and might choose to obey such *command*, they had however no authority to *command* or to subpoena others to attend. It must *appear* to them that I attended *voluntarily*, unsolicited, and even
without

without notice, it not seeming to have been the wish of Mr Bromfield that I should attend, both from his forbearing to give me such notice, and from his telling me that " he must apply to Lord Rochford for the paper I had written, in order to lay it before the court of Examining Surgeons." I think it must *appear* to them, that I am not capable of having mis-reported the appearances of the head, either thro' ignorance or wickedness. It must *appear* to them, that my conclusion is justified by their own experience, and by every chirurgical author on this subject, both ancient and modern; particularly by one of their own body, Mr. Pott, in his *Observations on the nature and consequences of those injuries to which the head is liable from external violence*. It must *appear* to them, that my character and reputation were intended by Mr. Bromfield, to be made a sacrifice to the safety of the person or persons who hired Mac Quirk and the other rioters at Brentford.

OF MR. BROMFIELD I would ask, since "*the doubt arose in the Royal Breast from his representation,*" Whether any doubt about the cause of Clarke's death has yet arisen in *his own mind*? When Mr. Bromfield undertook the care of Clarke, did he suppose himself called in as a *Physician* or as a *Surgeon*? This question is more particularly pertinent, because it does not appear that he discharged the duty of either: certainly not of the *surgeon*; for he did not even look at the wound: in direct opposition to the father of physic, whose axiom it is—*Nullum vulnus capitis contemnendum*.

Mr. Bromfield said he would not come himself nor send any of his people to examine the dead body; but endeavoured to persuade Mrs. Talbot, the

the aunt, to have him buried *without Examination, or the coroner's inquisition*; and he gave this advice, *he said*, out of friendship to *her*, because it would be *very expensive* to her otherwise: Will Mr. Bromfield please to explain this conduct and his earnestness to *conceal the cause* of Clarke's death?

When Mrs. Talbot could not be dissuaded from calling in the coroner, why did not Mr. Bromfield attend his inquisition? Why did he suppose it would be *expensive* to the aunt? Why did he think it would be an *Old-Bailey business*?

When Balfe and Mac Quirk were tried for the murder, Why did he not appear as an evidence at the Old-Bailey?

What does Mr. Bromfield suppose to have been the cause of Clarke's death? Will he even now declare, *on his oath*, his "*opinion that Clarke did not die of the Blow he received at Brentford?*" Will he give his reasons for such an opinion?

When did Mr. Bromfield first think that the blow was not the cause of his death? When did he first make this representation to his Majesty? Balfe and Mac Quirk were not tried till January 14, a full *month* after Clarke's death. They were IMMEDIATELY respited. It was on the 3d of February, full *seven weeks* after Clarke's death, that Mr. Bromfield first talked to me of it; and he had *no doubt at that time*; For he *then* said, he supposed the Apothecary to have committed an error, in treating a CONCUSSION OF THE BRAIN like a nervous fever.

Why

Why were Mr. Bromfield and Mr. Ranby so earnest to get that paper of me? Why did they think it would be useful to the prisoners? Why was it carried to the Duke of Grafton and Lord Rochford? If Clarke did not die of the *blow*, how did it *even distantly* affect the prisoners whether proper care had or had not been taken of him? It has been industriously reported, that this paper contradicted my former evidence; the public will now have seen, that on the contrary it confirms it, however insidiously and artfully it was procured from me; for it says, that Clarke might probably have recovered if "PROPER and EARLY care had been taken". Of What? "*of the head I examined*." It attributes therefore his death to the *conclusion of the brain*.

It was not my duty or my office to represent to Mr. Bromfield, or to the Secretary of State, that the want of proper care being taken of a Man, either thro' the poverty, the ignorance, the folly, or the neglect of him that is wounded, will not, and ought not to acquit the murderer; especially where death so quickly ensues; where the success of that care is uncertain; and where the weapon used to give the blow was *deadly*. This consideration belongs to those who are tied by oath and by office to administer *equal* justice to the people; into whose hands the power of reward and punishment is intrusted, not partially to gratify their own inclination, their pride, or their resentment; but *justly and conscientiously* to apply them as restraints from bad, and encouragements to good actions.

For my own part, as a *private individual*, without the mean solicitation and compliments of Messrs.

Messrs. Bromfield and Ranby, and without the use of such names as *Grafton* and *Rochford*, I should always have been ready to declare any *truth* that might be useful to save the life of a fellow creature, tho' guilty; but farther I dare not go. And I believe every indifferent man of my profession will allow that when I said "*in all probability he would have recovered*," My HUMANITY carried me as far as PERICLES' FRIENDSHIP—*usque ad aras*. Mr. Bromfield must forgive me if I leave him there.

Will Mr. Bromfield declare faithfully *upon oath* his true motive for this conduct? Will he tell us *all* the steps he took through the whole, and *all* the persons with whom he conferred on this affair?

The employment Mr. Bromfield holds under his Majesty,—the Queen,—and the Princess Dowager of Wales, do not give him the privilege of a peer to declare upon his *honour*; nor the more honourable exemption of a quaker, to be *believed* on his *affirmation*. On the contrary, they make it still more necessary that he should so far place himself on a level with me, as to answer the questions I have put to him—ON OATH; that so *his opinion* and *his evidence* may come to the public with the same sanction with which *mine* has been given. I

OF Mr. STARLING I would ask, If he thought Mr. Clarke's only or primary disorder was a *fever*. Why he called in a *Surgeon* rather than a *Physician*? I desire to know how Mr. Starling treated Clarke's case the very short time he attended him? If he does not know the difference between dying with a fever, and of a fever? If Mr. Starling changed his mind after having sworn that he could not

SAY what was the CAUSE of the fever; But THOUGHT the BLOW was certainly the CAUSE of the fever; I would ask the reasons for such change? If he has *not* changed his opinion, how could he sign a paper declaring that Clarke died of a fever? Did he ever sign such a paper? What are the whole contents of the paper so signed by him? *When* did he sign it? At whose request? When, and for what purpose did he make to his Majesty the representation mentioned in the proclamation? By what means, and at whose solicitation did he convey his opinion to his Majesty?

Will he now give *upon oath* his opinion that Clarke "*did not die of the blow he received at Brentford,*" in direct contradiction to his two former declarations *upon oath*? Will he at the same time give his reasons for that opinion? Why did not Mr. Starling give evidence at the Old Bailey?

As Mr. Starling's opinion *when given upon Oath*, agreed so perfectly with mine, I must desire him once more to answer these questions *upon oath*; tho' it is said he has differed with himself and me since that time, perhaps when he comes upon his oath again, we may again agree.

I have now done asking questions, and if the subject of this appeal related only to myself, I should not expect either notice or answer. The character of an individual, however flagrantly injured, is not of consequence enough to attract the attention, or interest the passions of the public.

The loose tile or mortar which the wind blows down from a house, is neither heard nor regarded by the busy or heedless tenants within. But a *petition*

petition of MURDER encouraged and rewarded. An open avowal of the violation of the dearest and most important rights of the subject. The withdrawing the protection of the laws; and instead of DEFENCE for which alone they were ordained, making them only serve the purpose of OFFENCE, which alone they were intended to prevent.

The reducing a free people to the most abject and melancholy state of slavery, that of living under laws which whilst they punish do not protect.

This would be such a manifest breach of every tie and contract, such a fundamental destruction and dissolution of the whole political building, as could not fail to be both heard and felt by every inhabitant of that unfortunate country, where such a calamity should happen.

Holles-Street, Cavendish-Square, March, 27, 1769.

JOHN FOOT.

action of a man's mind and heart. An
open avowal of a violation of the law is
most important: it is the only way of
defining the position of the law, and instead of
being a law which is not obeyed, it becomes
a law which is obeyed. It is the only way of
making them obey the law, and instead of
which alone they are inclined to obey.

The tendency of a free people to the most
and most important of laws, that of
under laws which will they should do as
they see fit.

This would be such a manifest breach of every
the and contrary to a fundamental principle
and obedience of the whole political system, as
could not fail to be both feared and felt by every
inhabitant of that unfortunate country, where such
a calamity should happen.

HOLLIS-STREET, COVENTRY-
STREET, LONDON, W. 1799.

JOHN FOOT.